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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,308	02/20/2004	Steven Allen Benno	2100.025500/BENNO 5-2-1-1	7814
46290 7590 03/22/2007 WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			EXAMINER SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2614	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/783,308

Applicant(s)

BENNO ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 19 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-19 and 21-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 1 recites the limitation "the multimedia content" in lines 5-6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 6, 7, 9-13, 15-19, 21, 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lund US 6,658,100.

2.1 Lund discloses a method for sending a uniform resource locator (URL) to a calling party, comprising:

transmitting the URL to the calling party at 106 in response to an initiation signal from the calling party at 116 (Fig. 2; column 3, lines 30-45; column 4, lines 15-26);

establishing, over a packet switched network (Internet 50), a first data session for downloading the multimedia content (of a web page), the first data session being established using the URL (Fig. 2; column 3, lines 10-15, 46-49; column 4, lines 26-31);

determining if the called party is a service subscriber (column 3, lines 22-25, 43-45; column 4, lines 15-32); and

establishing, over a circuit switched network (central offices 24, 26, and tandem switches 30, 32), a voice link to a called party in response to the initiation signal from the calling party (Fig. 2; column 5, line 59 to column 6, line 15).

2.2 Regarding claim 2, Lund teaches bridging the calling party with the called party to establish a voice link as discussed in claim 1 (it is inherent that the tandem switches 30 and 32 in figure 2 bridge the calling party (at SSP 24) and the called party (SSP 26) to establish a voice link).

2.3 Regarding claim 3, Lund teaches that the URL identifies a location of multimedia content (a web page inherently contains graphics and text) (column 3, lines 46-49).

3.4 Regarding claim 6, Lund teaches looking up the called party in a database 44 of service subscribers (column 3, lines 34-38, 41-45).

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3.5 Regarding claim 7, Lund teaches selecting a called party's URL in the database when the calling part is determined to a service subscriber (column 3, lines 22-25, 41-45).

3.6 Regarding claim 9, Lund discloses a method for sending a uniform resource locator (URL) to a calling party, comprising:

receiving a uniform resource locator (URL) associated with a called party 116 in response to an initiation signal from the calling party 106 (Fig. 2; column 3, lines 30-45; column 4, lines 15-26);

establishing, over a circuit switched network (central offices 24, 26, and tandem switches 30, 32), a voice link to a called party in response to the initiation signal from the calling party (Fig. 2; column 5, line 59 to column 6, line 15).

enabling the calling party to determine whether the called party is a service subscriber (it is inherent that a calling party determines whether a called party has telephone number, i.e. a subscriber to a telephony service) (examiner note: this newly added limitation is not supported by the Specification which only discloses a system (not the caller) which determines whether the called party is service subscriber, see page 9, lines 9-13 of the Specification); and

establishing, over a packet switched network (Internet 50), a first data session for downloading the multimedia content (of a web page) in response to the received URL (Fig. 2; column 3, lines 10-15, 46-49; column 4, lines 26-31);

3.7 Regarding claim 10, Lund teaches establishing a second data session for receiving the URL (column 3, lines 41-45).

3.8 Regarding claim 11, Lund teaches a web page (multimedia content, a web page inherently includes graphical displays and text messages) associated with the URL, via the first data session (column 3, lines 10-15, 46-49; column 4, lines 26-31).

3.9 Regarding claim 12, Lund teaches that the called party is subscriber (column 3, lines 22-25, 43-45; column 4, lines 15-26).

3.10 Regarding claim 13, Lund teaches connecting the calling party with the called party, which inherently bridging the calling party (at SSP 24) and the called party (at SSP 26) by the tandem switches 30 and 32 in figure 2.

3.11 Regarding claim 15, Lund discloses a method for sending a web page (multimedia content) to a calling party, comprising:

selecting a multimedia content (a web page linked by a URL) associated with a called party to be forwarded to the calling party in response to identifying the called party (column 2, lines 28-31, 48-56; column 3, lines 19-20, 30-49; column 4, lines 15-26);

determining if the called party is a service subscriber (column 3, lines 22-25, 43-45; column 4, lines 15-32); and

establishing, over a circuit switched network (central offices 24, 26, and tandem switches 30, 32), a voice link from the calling party to the called party in response to the identifying the called party (Fig. 2; column 5, line 59 to column 6, line 15).

3.12 Regarding claim 16, Lund teaches that the called party is a service subscriber (column 3, lines 22-25, 43-45; column 4, lines 15-32).

3.13 Regarding claim 17, Lund discloses a method for sending a web page to a calling party, comprising:

receiving an initiation signal from the calling party identifying a called party (column 3, lines 30-40; column 4, lines 15-26);

transmitting, over a packet switched network (Internet 50), multimedia content (web page) to the calling party, the multimedia content selected (from a URL) in response to the identifying of the called party (Fig. 2; column 3, lines 10-15, 41-49; column 4, lines 26-31);

determining if the called party is a service subscriber (column 3, lines 22-25, 43-45; column 4, lines 15-26); and

establishing, over a circuit switched network (central offices 24, 26, and tandem switches 30, 32), a voice link to a called party in response to the initiation signal from the calling party (Fig. 2; column 5, line 59 to column 6, line 15).

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3.14 Regarding claim 18, it is inherent that the calling party and the called party are bridged together by the tandem switches 30 and 32 in figure 2 in order to establish a voice link (column 6, lines 13-15).

3.15 Regarding claim 19, Lund teaches transmitting a URL to the calling party, and establishing a first data session over Internet for the transmission of the multimedia content to the calling party (column 3, lines 41-49; column 4, lines 15-31).

3.16 Regarding claim 21, Lund teaches looking up the called party in a database 44 of service subscribers (column 3, lines 22-25, 43-45; column 4, lines 19-26).

3.17 Regarding claim 22, Lund teaches selecting a called party's URL in the database (column 3, lines 22-25, 41-45).

3.18 Regarding claim 24, Lund discloses a method for sending a web page to a calling party, comprising:

receiving an initiation signal from the calling party identifying a called party (column 3, lines 30-40; column 4, lines 15-26);

transmitting a uniform resource locator (URL) to the calling party, the URL selected in response to the identifying the called party (column 3, lines 41-45; column 4, lines 19-26);

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transmitting, over a packet switched network (Internet 50), multimedia content (of a web page) to the calling party in response to URL (column 3, lines 10-15, 46-49; column 4, lines 26-31);

determining if the called party is a service subscriber (column 3, lines 22-25, 43-45; column 4, lines 15-26);

establishing, over a circuit switched network (central offices 24, 26, and tandem switches 30, 32), a voice link to the called party in response to the initiation signal from the calling party (Fig. 2; column 5, line 59 to column 6, line 15); and

bridging (inherently by the tandem switches 30 and 32 in figure 2) the calling party and the called party (Fig. 2; column 5, line 59 to column 6, line 15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 14 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund US 6,658,100.

Lund teaches transmitting (second data session) a URL to the calling party for retrieving a web page (first data session) by the calling party, but fails to teach

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terminating the first and second data session before establishing a voice link between the calling and the called parties.

However, It was well known in the art that a network would have terminated the second data session after the URL was transmitted in order to free a system's resource, such as data channel, for transmitting/receiving other call related messages, and a calling party would have taken much longer time (comparing to transmitting a URL) for browsing a web page (first data session). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, that the termination of the second data session (transmitting a URL) was before the termination the first data session (browsing a web page) since the URL was transmitted before a connection to the URL (web page) started.

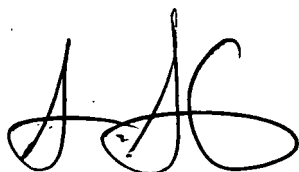
Response to Arguments

5. Applicant's arguments filed on 02/27/2006 regarding claims 11 and 12 (claim objection) have been fully considered but they are not persuasive.

Applicant argues that the cited prior arts fail to teach or suggest a packet switched network. However, Lund clearly teaches an Internet 50 (packet switched data network) so that a calling party is enabled to browse a web page (column 3, lines 10-15, 46-49; column 4, lines 26-31). Furthermore, Lund teaches a packet switched data network SS7 within a telephone network (column 2, lines 28-31, 48-56).


Conclusion

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

03/12/2007



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